



Convention on the Elimination
of All Forms of Discrimination
against Women

Distr.
GENERAL

CEDAW/C/SR.351
3 April 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 351st MEETING

Held at Headquarters, New York,
on Thursday, 17 July 1997, at 3 p.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE
CONVENTION (continued)

Initial and second periodic reports of Israel (continued) (CEDAW/C/ISR/1-2)

1. At the invitation of the Chairperson, Ms. Arad and Ms. Halperin-Kaddari (Israel) took places at the Committee table.

Article 2 (continued)

2. Ms. GONZALEZ asked if the Convention had been translated into and disseminated in Hebrew and other languages, what measures had been taken to disseminate awareness of the Convention among the illiterate, and whether laws and practices discriminating against women continued to exist. She also asked for the Government's views on the reasons for the relatively low number of cases of violations of women's rights brought before the courts and what measures it contemplated to ensure that women were aware of their rights under the Convention. Finally, she requested further information on the Family Court Law, 1995, referred to on page 33.

3. Ms. FERRER wondered whether the basic laws of Israel guaranteed protection of women in minority populations, and whether there were plans to implement gender-based programmes in the occupied territories.

4. Ms. AOUIJ noted that while the principle of equality was upheld in Israeli law, the Israeli Supreme Court had given greater force to religious practices in cases where they conflicted with that principle. Moreover, Arab and Palestinian women were disadvantageously classified as belonging to ethnic and religious minorities and not national minorities, and she requested more information on those women and on Government efforts to protect them. Finally, she asked about the extent to which Palestinian non-governmental organizations had been consulted in the preparation of the report.

5. Ms. BUSTELO GARCÍA DEL REAL said that she regretted the report's lack of information regarding Government plans to achieve equal opportunities for men and women and would like to see the Government withdraw the two major reservations it had made in ratifying the Convention.

6. Ms. CARTWRIGHT requested confirmation that the prohibition of intended or effective discrimination against women had been upheld in Israeli courts, and asked if those courts acknowledged the supremacy of international law, as for example in implementing the Convention. She noted the contradiction between the promise of equality for women under the Basic Laws and the current failure of the court system to deliver that equality, as exemplified by the Government's reservation to article 16 of the Convention and its maintenance of religious courts. In view of the critical importance of having the principle of equality permeate all levels of Israeli society, she urged the Government to remove the

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restrictions on women imposed by religious courts and to withdraw its reservation to article 16 of the Convention.

Article 3

7. Ms. FERRER asked for further information on the plans to establish national machinery for the advancement of women.

8. Ms. Yung Chung KIM asked for information regarding the extent of cooperation between Jewish and Arab women's organizations.

Articles 4 and 5

9. Ms. ACAR, after stressing the Government's obligation to modify social and cultural conduct in order to eliminate harmful stereotypes, urged it to take more active measures to eliminate the culturally based disadvantages suffered by Arab and Palestinian women, and said that she would appreciate more information regarding recent changes in Israeli public opinion on affirmative action.

Article 5

10. Ms. AOUIJ said that the report had been particularly thorough in its treatment of the subject of violence against women. The Government and non-governmental organizations should continue to exercise maximum vigilance against such crimes.

11. Ms. GONZALEZ noted the report's thorough treatment of violence against women, and asked whether all women, regardless of their ethnic group, were protected to the same degree and were being provided with the same guidance and education regarding violence against women. She also requested information on the promotion of shared household responsibilities for couples, the incidence of sexual violence in various groups in the society, the nature of penalties for violence against family members and for sexual violence, and the computerized distribution of pornography. Finally, she asked whether penalties existed for marital rape or sodomy, and whether the laws recognized that women also were capable of committing sexual abuse and violence.

12. Ms. JAVATE DE DIOS, after commending the report's thorough treatment of women in the media, asked if programmes existed to employ the media in the reorientation of social attitudes. Expressing concern about the high levels of violence against women reflected in the report, she urged the Government to look into the root causes of the phenomenon. She requested further information regarding the content and extent of community-based initiatives to combat violence against women, how police were trained to deal with such violence, whether the privacy of victims was assured, and how the perpetrators were sentenced. She noted an inequality of access to services for victims of violence in minority communities, and asked for more information on possible connections between the resurgence of religious fundamentalism and the increase in incidents of harassment of women.

13. Ms. CASTILLO requested more information about programmes to eliminate stereotypes prevalent among religious groups, and asked whether the Government

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had the political will to draw a clear distinction between political and religious authority, especially in cases where such stereotypes and customs were most harmful to women.

14. The Committee had learned from non-governmental sources that some 400,000 Palestinian women lived in Israel in very difficult circumstances. She wished to know what action the Government was taking to integrate them in the development of Israeli society. She also would appreciate a clear explanation as to why those minority women were referred to as "Palestinians".

15. The CHAIRPERSON expressed considerable concern that, owing to religious considerations, the right to equality was not incorporated in the Basic Laws of Israel and that equal rights were guaranteed in public spheres, but not in private matters.

16. It was unacceptable to base a legal system on the religious, cultural or traditional practices of any ethnic group within a country. Information provided by non-governmental organizations indicated that polygamy, female genital mutilation and honour killings were practised by certain minorities in Israel and she requested details, including statistics.

17. Ms. TALLAWY asked what the Israeli Government was doing to halt commerce in pornographic movies and videos, which contributed to violence against women.

Article 6

18. Ms. CORTI enquired whether traffickers who operated in Israel recruited Russian immigrants to work as prostitutes. She wished to know how the Government dealt with traffickers.

19. Ms. JAVATE DE DIOS noted that prostitution was increasing in Israel and that the enforcement of legislation to combat it was not as successful as was desired. It would be of interest to know which authorities determined what circumstances constituted offences that were interpreted as acts of prostitution. She enquired whether ordinances used to arrest women on grounds of prostitution served to restrict their civil liberties or led to political harassment, and whether clients of prostitutes also were penalized. She hoped that the next report would include data on trafficking in women and on health care and trauma treatment for prostitutes.

Article 7

20. Ms. CORTI expressed surprise that, given the fact that there were so many highly skilled and well-educated women in Israel, women were so clearly under-represented in the country's political life and in the civil service. She wondered whether women's under-representation in top civil service posts could be attributed in part to the lack of adequate facilities to assist mothers. She also wondered why there was no reference in the report to the participation of Palestinian women in political life.

21. Although she welcomed the Supreme Court's support for women's participation in the religious councils and government corporations, she believed that, when

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justifying the use of affirmative action to combat the conspicuous inequality of women's representation in government corporations, the Court should have specifically invoked discrimination instead of merely claiming that "equality [was] an inherent attribute to a person's dignity" (sect. 10). Had the Court done so, it would have paved the way for legislation to combat discrimination.

22. She wished to know what action the Government was taking to combat discrimination against women in the military. She noted that policy had generally been to discourage and forbid women soldiers from serving in combat positions. In her view, such service could either be discouraged or forbidden, but not both.

23. She was pleased that progress was being made to confront and eliminate sexual harassment in the military. She would appreciate further information on the exemptions from military service available to women wishing to study in religious academies, as well as gender-disaggregated figures on such exemptions. Lastly, she wished to know whether Palestinian citizens of Israel participated in the military.

24. Ms. Yung Chung KIM recalled the key role which the political activism of women's peace groups had played in prompting the Israeli Government to take the peace initiative in 1993. She urged further cooperation between Israeli and Palestinian women in the cause of peace.

25. Ms. AOUIJ commended the women's non-governmental organizations in Israel which had played a major role in promoting the advancement of women in all fields, in particular, in the political life of the country, notwithstanding serious opposition from religious, radical and fundamentalist groups. The resumption of the peace process must be a priority for all.

26. Ms. TALLAWY hoped that the Israeli Government's next report would provide information on steps taken to guarantee the equitable participation of Palestinian women in society in proportion to their numbers. Resources should be provided, inter alia, to encourage women to participate in political life. The Israeli Government must take steps to ensure that fundamentalist groups, which opposed equal rights for women, did not undermine the democracy of which it was so proud.

27. Ms. BUSTELO GARCÍA DEL REAL said that she would appreciate additional information on the participation of women in political parties. She wondered why, since the parties appeared to have minimum quotas for women in electoral lists, they were not better represented in Parliament. She wished to know what women thought of the situation and whether there was a coordinated campaign to increase their participation in politics. Lastly, she enquired whether there was any relationship between the low representation of women in political life and their role in the army.

Article 8

28. Ms. ACAR said that the information which the Israeli representative had provided indicating that women were enjoying greater opportunities for advancement in the military gave her cause for concern, since it suggested the

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greater militarization of women rather than a diminishing of the significance of their military experience vis-à-vis their upward mobility in public and political life. That in turn created a concomitant attitude in society. She wished to know how the increased integration of women into the military was viewed by women's, feminist and non-governmental organizations and the public at large.

Article 10

29. Ms. BARE asked whether the 1993 Ministry of Education programme to address gender stereotypes had changed the attitudes of teachers and students. She wondered whether there was a specific programme to educate Palestinian women, in particular girls, who might face discrimination because of their cultural values. She also wished to know if there was an equal opportunities programme to facilitate the promotion of women to executive positions as, according to the report, the higher the position in the educational institution, the lower the level of women's participation.

30. Ms. CORTI requested clarification of the statement on page 130 that independent "recognized" schools were non-profit organizations, financed by the Government, and asked whether the school programmes determined by the 1953 State Education Law, which emphasized Jewish culture and values, were imposed on Palestinian schools. Likewise, it would be useful to know whether it was the Knesset or the Ministry of Education which determined the content of State education programmes and whether it was the same for both Jews and Palestinians.

31. She asked whether the Government planned to allocate increased resources to education, as the current 8.5 per cent of the budget seemed rather low, and said that it was not clear whether Palestinian education was autonomous, who decided on the goals, curricula, teachers, programmes, content and budget and what the level of funding was compared to that for Jewish schools.

32. Ms. TALLAWY said she hoped that the next report would show the measures taken by the Government to address a situation in which 44 per cent of Palestinian girls did not complete primary education. The Government had a duty to encourage girls to continue their education. She expressed concern about the low percentage of women teachers at the university level and the fact that there was only one female Palestinian professor, even though several Palestinian women had doctorates. Lastly, she suggested that a preferential budget should be adopted with a view to decreasing the disparity in the level of education between Jewish and Palestinian schools.

33. The CHAIRPERSON said that she was disturbed by the highly segregated system for Arab and Palestinian women and by their very low level of performance. She asked how the foregoing factors affected their employment opportunities.

34. Education was a fundamental tool for changing cultural attitudes. She therefore hoped that, in future, Palestinian history and culture would be studied in Jewish schools, in the same way as Jewish history and culture were currently studied in Palestinian schools.

35. Additional information should be provided on the situation of education for Palestinians. There appeared to be serious discrepancies between the two systems which needed to be remedied. Moreover, no efforts had been made to change gender stereotyping in Palestinian textbooks and no grants existed to enable Palestinian women to continue their education.

Article 11

36. Ms. FERRER asked whether legal measures had been taken to enforce the law which established equal pay for equal work. Since 1995 a supervisor, trained in gender issues, had been in place in each Ministry. It would be interesting to know the results of their work. In the next report, it would also be useful to learn about the composition of the 34-person council under the Prime Minister's Adviser on the Status of Women and the achievements of the future Commissioner on Women's Affairs.

37. Ms. ACAR requested further information on women's contribution to the informal sector and any measures which were being taken to regulate the sector. Women who worked in the informal sector were particularly vulnerable and needed special protection. It was unclear whether the employment figures for Palestinian women took the informal sector into account.

38. Ms. CARTWRIGHT, noting that equal pay for equal work was limited to employees of one employer, enquired whether it foreshadowed a general trend to restrict certain measures to employees in one workplace.

39. Ms. BUSTELO GARCÍA DEL REAL wished to know whether women received their full salary during the mandatory 12-week maternity leave and said that she would welcome additional information on the rights of fathers and whether measures existed to encourage men to share childcare activities. It would be useful to carry out studies on the use of time by men and women and on unpaid work, in order to obtain information on the division of responsibilities.

40. She asked whether Israeli legislation combated indirect discrimination and why an apparently useful advisory committee attached to the Ministry of Labour had been eliminated. She would appreciate information on the situation of handicapped women in regard to education, employment and the social services and an explanation as to why a high percentage of men and women earned less than the minimum wage.

41. Ms. BERNARD, noting that a job evaluation was being carried out with a view to adjusting the pay of public servants, who were not allowed to strike, asked whether there were any provisions in the Israeli legislation allowing public servants to strike as a last recourse. She wondered why the number of women in part-time employment was increasing and whether it was due to inadequate childcare facilities.

42. The CHAIRPERSON highlighted the fact that, for cultural reasons, relatively few Palestinian women worked. She noted that both Jewish and non-Jewish women worked in the informal sector and enquired whether the minimum wage was applicable in that sector and whether the difference of approximately 55 per cent between men's and women's wages was reflected in it.

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43. Ms. TALLAWY requested information about Israel's mechanisms for monitoring labour laws concerning social security and work conditions for women in general and Palestinians in particular. She wished to know whether there was a plan to create new job opportunities for Palestinian women and to recruit graduates of universities and academies for government service. She asked whether Israel planned to improve its kindergartens and day-care centres in order to encourage women to find gainful employment.

Article 12

44. Ms. ABAKA said that the new national health legislation was potentially a barrier to safe motherhood, as many of the services necessary for women's health were no longer funded under it. She referred specifically to pre- and post-natal care, abortion, contraceptives and treatment for osteoporosis. Emphasis was placed on child-bearing and excessive resources were dedicated to increasing fertility, while other areas of women's health and family planning were neglected by comparison.

45. She considered that the report tended to perpetuate discrimination against women and girls on cultural grounds. For example, the Government appeared to be abdicating its responsibility to ensure women's right to health when it stated that female circumcision was a normal cultural practice in parts of southern Israel. The Committee took a strong stand against female circumcision and hoped to learn in the next report that measures had been taken to eradicate the practice. Steps must also be taken to close the gap between towns in northern Israel and towns in the south or those inhabited by minorities.

46. She would appreciate further information on women's health in general, especially that of minority women. She would also like to know if there were any programmes to provide doctors and paramedical workers with information on human rights, especially in the case of women victims of violence.

47. Ms. CARTWRIGHT said that the resources currently used for fertility treatment could surely be better used on more basic medical services, such as primary preventive measures, especially for Palestinian women in rural areas. She also suggested that health services for the ageing should be reviewed, as extended periods of hospitalization were not covered by the basic basket of free health services.

48. Ms. TALLAWY said that there were 120 Palestinian communities that were not recognized by the Israeli Government. The tens of thousands of Palestinians living in those communities had no access to health services, and there was no infrastructure in the areas of hygiene, drinking water or schools. That situation had a negative impact on the health of the women and children living there. She wished to know what Israel was doing to improve those communities and whether there were any plans to provide basic services to them, since, if no action was taken, the Palestinians would begin to leave. She enquired whether that was the intent of Israel's policy towards those communities.

49. Ms. GONZALEZ said that the report did not indicate how the costs of prenatal care were determined and if such costs were the same for all social groups in Israel. Table 6 on page 215 of the report provided statistics on

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infant deaths by population group and cause, and she noted that infant mortality among "Arabs and Others" was almost twice as high as infant mortality among Jews. She enquired whether the Government of Israel was carrying out any programme with a view to lowering the high mortality rate of non-Jewish infants. In that regard, she requested a detailed breakdown of all the groups falling under the category "Arabs and Others".

50. With regard to procreation and family planning, she wished to know why contraceptives were not provided free of charge, and why there were no sex education programmes for the population of Israel, both Jews and non-Jews. The report referred to hysterectomies as a form of sterilization, and she wished to know whether there were any plans to introduce methods to control male fertility. She requested statistical information on the number of vasectomies performed in Israel; if vasectomies were not promoted as a means of sterilization, that would be a form of discrimination against women, since it was unfair to promote sterilization only among women.

51. According to the report, abortion was legal when authorized by the Committee for Approval of Termination of Pregnancies in accordance with sections 312 to 321 of the Penal Code. She noted that a legal abortion could be obtained when the pregnancy was a result of sexual relations forbidden by the Israeli Penal Code or the result of incestuous or extramarital relations, and she wished to know what those forbidden sexual relations were. She had noted the high number of illegal abortions, and the acknowledgement that many immigrant women were relatively uninformed about birth control and were accustomed to receiving abortions on demand. Abortion should never be considered a form of birth control, and she referred to the provisions of the Plan of Action of the International Conference on Population and Development held in Cairo in 1994. If birth control was the reason given by a woman seeking an abortion, then something was missing in family planning programmes. Emphasis should be placed on avoiding pregnancy through the use of contraceptives and other means.

52. Ms. JAVATE DE DIOS said that all communities in Israel should have access to health services, including reproductive health services, and she expressed concern that Palestinian communities rarely received such services. Given the high life expectancy of women in Israel, she wished to know how the needs of elderly women were addressed. Elderly Palestinian women, many of whom were very poor, were faced with the prospect of increasing hardships: no housing, no sanitation and no pension. In view of the high level of violence against women, the Government of Israel should provide adequate funding for women's crisis centres. She welcomed the recent decision of a parliamentary committee to include the question of violence against women in Israel's medical board examination, and she suggested that training on the issue of violence against women should be provided to medical personnel.

Article 14

53. Ms. OUEDRAOGO requested information on the problems experienced by rural women. The social and economic situation of Bedouin women left a great deal to be desired, and she wished to know why there had not been much progress in the social education of Bedouin women. It was necessary to adopt policies and strategies to improve the situation of Bedouin women and encourage them to

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abandon some of their traditional practices. She wondered whether Israel's failure to address the problem reflected a lack of political will. She enquired whether any studies had been conducted to determine whether women who lived in kibbutzim did so because they had no other opportunities or because they liked living there. She expressed concern that women in kibbutzim were not able to rear their own children.

Article 16

54. Ms. BERNARD expressed concern at the plight of Palestinian women in the State of Israel, and she supported Ms. Abaka's plea for peace. Jewish and Palestinian women should join forces to promote the peace process. She expressed concern at Israel's reservations to article 16 of the Convention, since any reservation to the Convention tended to water down its full effect. She hoped that Israel would consider withdrawing that reservation. She commended the provisions of the 1951 Women's Equal Rights Law and was pleased to learn that the Supreme Court's case law had removed the issue of property distribution from the rule of religious law and that that subject was governed by civil-secular law alone. She also commended the 1973 Spouses (Property Relations) Law, which applied to both married couples and non-marital cohabitants. She had read that a new system of family courts had been operating as a replacement for the district and local courts, and she requested confirmation of that information. She wished to know what the relation was between the family courts and the religious courts, and whether all women had access to family courts.

55. Ms. AOUIJ said that, according to the report, all questions of personal status - marriage, divorce, alimony, child maintenance - fell within the exclusive competence of the religious courts, and there were almost no civil marriages or divorces. Testimony by a woman was not accepted before a religious court except when she reported the disappearance of her husband. Widows and divorced women did not have the right to marry a man of the Jewish religion, and a childless widow required the permission of her brother-in-law to remarry. Women were always subordinate to their husbands, who could have extramarital relationships when the wife refused to grant a divorce. A husband who refused to grant a divorce could be forced to do so by the courts, and could even be put in prison for six months if he refused. While a new law had been passed in 1995 with a view to reducing the number of abandoned women, it had not been effectively enforced.

56. Polygamy was still common among the Arab population and the status of Arab and Palestinian women was inferior to that of men. In that regard, Arabs and Palestinians had put forward a bill that had been sponsored by Arab and Israeli parliamentarians. The bill would soon come before the Knesset, and she wished to know the Knesset's position on the issue, since the objective of the bill was to give Arab and Palestinian women the choice of appealing to religious or civil courts in order to assert their rights.

The meeting rose at 5.50 p.m.